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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/810,679	02/28/1997	PAUL L. HICKMAN	ENVSP025BA	9229

7590 11/12/2003
Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114

EXAMINER

DINH, DUNG C

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/12/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/810,679

Applicant(s)

HICKMAN ET AL.

Examiner

Dung Dinh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2153

DETAILED ACTION

The Examiner mistakenly cited to Adams et al. US patent 5,913,920 in the 103(a) rejection's heading in the prior office action (paper #26). The correct reference should have been Frese et al. US patent 5,909,545 (cited but not used by the Examiner in paper #16). The body of the rejection correctly cited to relevant portions of Frese's teaching.

Below is a repeat of the prior rejection with the corrected 103(a) heading to recite Frese et al US patent 5,909,545. Applicant's argument with respect to Adams et al. is moot.

Claim Rejections - Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2153

Claims 1, 21-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 21-31 of copending Application No. 08/798,704. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim recite essentially equivalent limitations as follow:

Claim 25 of present application:	Claim 1 of 08/798,704:
providing a host computer ... running a host program	(line 9) a host computer coupled to said network and being accessible by said client computer ...
providing a client ... wherein input device of said client computers can be used to generate input to said host computers ... (claim 30) ... wherein events are placed in the host computer's event queue.	(line 6) ... client program being capable of transmitting event ... including input device event (line 12) ... receiving said event data and placing said event data in an event queue of said host computer ...

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Art Unit: 2153

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. US patent 4,939,509 and further in view of Frese et al. US patent 5,909,545.

As per claim 1, Bartholomew teaches a network accessible computer comprising:

a central processing unit and memory [inherent];

an interface coupling to a network [PBX];

wherein the central processing unit implements a host computer program [PC1] to operate as a network-accessible host computer for client computers [PC2] coupled to the network, wherein input devices of the client computers can be used to generate inputs to said host computer and such that image information generated by said host computer can be viewed by displays of the client computers [abstract].

Art Unit: 2153

Bartholomew teaches transmitting image (screen display) information changes to the client computer [col.5 lines 39-47].

The article does not specifically disclose the system operating on a TCP/IP network and transmitting a client program to the client computer to run in a browser at the client computer for communication with the host computer. Frese teaches a method for remote control of application on host computer by downloading client program operating in conjunction with a browser to the client. The system operates over the Internet - which is a TCP/IP network. The method eliminates the need to pre-installing client program on the client computer [col.3 lines 42-47, col.9 lines 56-68]. Hence, it would have been obvious for one of ordinary skill in the art to provide downloadable client program for remotely control the host computer because it would have improved the system by enabling a user to initiate the remote session from any client computer having browser and Internet connection.

As per claims 21-23, it is inherent that the system as modified can display the remote computer image in a browser as claimed and uses TCP/IP network.

As per claim 24, it is inherent the remote client has JAVA applet. It would have been obvious for one of ordinary skill in

Art Unit: 2153

the art to use JAVA applet to implement the remote client because it enable the client program to be cross platform compatible.

As per claims 25-26, they are rejected under similar rationales as for claim 1 above.

As per claim 27, it is rejected under similar rationale as for claim 24 above. It is known in the art the JAVA applet is downloaded to the client viewing the Web page.

As per claim 28, it would have been obvious for one of ordinary skill in the art to use encryption to improve data security.

As per claim 29, it would have been obvious for one of ordinary skill in the art to transmit the image once per time interval so as to control the update and prevent flooding the network.

As per claim 30, the recitation is inherent in the functioning of a host computer.

As per claim 31, it is rejected under similar rationales for claims 27 and 30 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

Art Unit: 2153

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)
(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung Dinh
Primary Examiner
Nov. 11, 2003